

DELTA PROTECTION COMMISSION

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**AGENDA ITEM #8****May 10, 1999**

To: Delta Protection Commission
From: Lori Clamurro, Delta Protection Commission Staff
Subject: Legislative Update

The first year of the current legislative session will come to an end on September 10, 1999. All bills passed by the Senate and Assembly will then go on to the Governor, who will either sign them into law or veto them by October 10, 1999. The Legislature will reconvene for the second year of this session on January 3, 2000, at which time bills left over from the first year, as well as new bills, may be considered.

Several bills included in this memo over the past few months have either failed to pass their Senate and Assembly floor and/or committee sessions, or have been amended such that the original intent of the legislation is no longer applicable to the Delta. For these bills, a status is provided in this memo, but they will be deleted from future memos.

WATER**AB 50: Migden: WATER QUALITY: WASTE DISCHARGE REQUIREMENTS**

This bill would authorize the state and regional boards to require an application for waste discharge requirements to include a prescribed pollution prevention plan. The State Board would be required to incorporate the plans as part of the waste discharge requirements prescribed for certain dischargers.

STATUS: In Senate Committee on Environmental Quality

AB 237: Machado: RECYCLED WATER

Existing law regulates the use of recycled water. This bill would appropriate \$1.5 million from the General Fund for the State Water Resources Control Board (SWRCB) to conduct a study to assess sources of salinity on surface and groundwater quality and water recycling, and submit the study to the Legislature by January 1, 2001. This bill would also appropriate \$6 million from the

General Fund for the SWRCB to award grants to public agencies, universities, and charitable nonprofit organizations, for the purpose of conducting, or assisting in the financing of, prescribed water recycling studies, investigations, and research and development.

STATUS: This bill failed to pass Assembly Committee on Appropriations, but the language is the same as that in SB 632, sponsored by Senator Kelley and co-authored by Machado, which is on the Assembly Committee on Appropriations Suspense File.

AB 303: Thomson: GROUNDWATER

Existing law declares that groundwater should be managed to ensure its safe production and its quality, and authorizes specified local agencies to adopt and implement groundwater management plans. This bill would declare that additional study of groundwater resources is necessary to better understand how to effectively manage groundwater to ensure the safe production, quality, and proper storage of groundwater in the State. The bill would also require continuous appropriations into the Local Groundwater Management Assistance Fund created by the bill. The Department of Water Resources would use these appropriations to assist local agencies by awarding them grants to carry out groundwater monitoring and management activities; grants would be awarded based on the recommendations of a Technical Advisory Panel, appointed by the Secretary of the Resources Agency.

STATUS: In Senate Committee on Appropriations

AB 516: Wayne: PUBLIC WATER SYSTEMS

This bill would enact a framework, under which the California Safe Drinking Water Bond Act of 2000, which would authorize bonds in the amount of \$100 million for the purposes of financing a safe drinking water program, would be submitted to voters at the March 7, 2000 primary election.

STATUS: In Senate Committee on Agriculture and Water Resources

AB 564: Machado: THE SAFE, CLEAN, RELIABLE WATER SUPPLY AND FLOOD PROTECTION ACT

Existing law provides funds for water projects, facilities, and programs. This bill would authorize an unspecified amount to enact the Safe, Clean, Reliable Water Supply and Flood Protection Act.

STATUS: In Assembly Committee on Appropriations

AB 703: Lempert: BALLAST WATER DISCHARGES

This bill would require the State Water Resources Control Board (Board), and, if appropriate, the Regional Water Quality Control Boards, to carry out a ballast water discharge management program in consultation with the Department of Fish and Game, the State Lands Commission, and the U.S. Coast Guard. On and after April 1, 2000, the master of any vessel would be required to submit to the Board a fully completed ballast water report form, upon entering the State's waters. On and after September 1, 2000, any discharge of ballast water into the waters of the State (or waters impacting the waters of the State) would be prohibited, unless the discharger has complied with statewide general waste discharge requirements prescribed by the Board. Additionally, the

Board would be required to prepare and distribute to the public and Legislature a biennial report relating to ballast water discharges, including alternatives for treating and managing ballast water to eliminate the discharge of exotic organisms into the State's waters.

STATUS: In Senate Committee on Environmental Quality

AB 732: Machado: WATER-TRANSFER CLEARINGHOUSE

This bill would require the California Water Commission to appoint a task force, with prescribed membership, to review third-party impacts of water transfers and to investigate the establishment of a water-transfer clearinghouse. The task force would be required to report to the Legislature and the Governor on or before December 1, 2000. *This is a two-year bill.*

STATUS: In Assembly Committee on Water, Parks, & Wildlife

AB 786: Machado: SAN JOAQUIN RIVER AGREEMENT

Under existing law, various public and private agencies have entered into a "San Joaquin River Agreement" (SJRA) relating to the management of the San Joaquin River. This bill states that it is the intent of the Legislature to implement the Vernalis Adaptive Management Plan simultaneously with a comprehensive program to improve water quality and supply in the South Delta region and increase dissolved oxygen concentration in the lower San Joaquin River.

STATUS: In Senate Committee on Rules

AB 980: Ducheny: CONJUNCTIVE USE PROGRAMS

This bill would authorize the Department of Water Resources to provide grants to local public agencies for the purposes of undertaking feasibility studies, conjunctive use facilities, local pilot projects, and other facilities that are integral to the implementation of a conjunctive use plan or project, and for the acquisition of land for conjunctive use projects.

STATUS: In Senate Committee on Agriculture & Water Resources

AB 1239: Leonard: SAFE DRINKING WATER, CLEAN WATER, FLOOD PREVENTION, AND WATER SUPPLY ACT

This bill would enact the Safe Drinking Water, Clean Water, Flood Prevention, and Water Supply Act, which would authorize the issuance of bonds in the amount of \$2.05 billion for purposes of financing a safe drinking water, flood protection, water quality, and water supply program.

STATUS: In Assembly Committee on Environmental Safety & Toxic Materials

AB 1581: Lowenthal: WATER: LOCAL PORT AND HARBOR AGENCIES: FEDERAL NAVIGATION PROJECTS

Existing law authorizes the formation of a nonprofit corporation for the purpose of establishing an infrastructure fund and financing port or harbor infrastructure improvements. This bill would establish the California Maritime Infrastructure Authority, and require it to allocate funds for the 1999-2000 fiscal year to local port and harbor agencies for the purpose of meeting local matching share requirements for federal navigation projects, subject to funds being appropriated in the annual Budget Act.

STATUS: In Senate Committee on Rules

SB 530: Costa: THE SAFE, CLEAN, RELIABLE WATER SUPPLY AND FLOOD PROTECTION ACT

This bill is the same as AB 564.

STATUS: Headed to Hearing on Senate Floor, 7/8/99

ENVIRONMENT

AB 299: Thomson: WETLAND HABITAT MOSQUITO ABATEMENT FUND

Existing law authorizes mosquito and vector control districts to levy a service charge in connection with the abatement of mosquitos and vectors on property. This bill would appropriate \$125,000 from an unspecified source to the Wetland Habitat Mosquito Abatement Fund, created by the bill. *Note: The 4/12/99 amendment changes this bill to the "Suisun Marsh Wetlands Enhancement and Mosquito Abatement Demonstration Program"; \$140,000 would be awarded through the Department of Fish and Game to the Suisun Marsh Resource Conservation District and Solano County Abatement District to implement the program. It will not be included in future update memos.*

STATUS: In Senate Committee on Natural Resources and Wildlife

AB 956: Cunneen: RECOVERY STRATEGY FOR NONLISTED SPECIES

This bill would authorize the Fish and Game Commission to identify a species not listed as candidate, threatened, or endangered, based on a recommendation from the Department of Fish and Game (DFG); DFG would then be required to complete, and the Fish and Game Commission to consider approval of, a recovery strategy for that species.

STATUS: In Senate Committee on Appropriations

AB 1074: Aanestad: WILDLIFE MANAGEMENT AREAS: CONSERVATION EASEMENTS

This bill would provide that, when real property or an interest in real property is acquired by the transfer of a conservation easement to the State, for purposes relating to wildlife conservation or habitat preservation, the Department of Fish and Game shall annually pay to the county in which the easement is located an amount equal to any property taxes levied upon the easement at the time the title is transferred to the State, and would require the Department to also pay its pro rata share of assessments levied upon the property by any irrigation, drainage, or reclamation district.

STATUS: In Assembly Committee on Appropriations

ACR 1: Thomson: VIC FAZIO YOLO WILDLIFE AREA

This Assembly Concurrence Resolution would request the Department of Fish and Game to change the name of the Yolo Bypass Wildlife Area to the Vic Fazio Yolo Wildlife Area.

STATUS: Chaptered on 5/12/99 (Chapter 26, Statutes of 1999)

**SB 117: Murray: TRANSPORTATION FACILITIES: ENVIRONMENTAL
ENHANCEMENT AND MITIGATION PROGRAM FUND**

Existing law states that it is the intent of the Legislature, commencing July 1, 1991, to allocate \$10 million annually for ten years to the Environmental Enhancement and Mitigation Demonstration Program Fund. Under this fund, local, state, and federal agencies and nonprofit entities may apply for and receive grants for environmental and mitigation projects related to the environmental impact of modifying existing or the construction/expansion of new transportation facilities. This bill would delete the ten-year limitation and specify that \$10 million would be appropriated to the fund annually. The California Transportation Commission would be required to annually provide a list of projects funded from this program to the Legislature.

STATUS: In Assembly Committee on Transportation

SB 1057: Johannessen: ENVIRONMENTAL QUALITY: LAND ACQUISITIONS

The California Environmental Quality Act (CEQA) exempts certain classes of projects that have been determined not to have a significant effect on the environment from preparation of an EIR. This bill would prohibit the categorical exemption of a project that includes the acquisition of land for the purpose of fish and wildlife conservation or habitat establishment, preservation, restoration, or enhancement.

STATUS: Under reconsideration in Senate Committee on Environmental Quality, 7/7/99

AGRICULTURE

AB 47: Cardoza: WILLIAMSON ACT: CANCELLATION FEES

Under the California Land Conservation Act of 1965, or the Williamson Act, a contract may be canceled upon the petition of the landowner and under specified conditions, for the payment of a cancellation fee to the Controller. Certain revenues are deposited into the Soil Conservation Fund, to be used for the support of specified agricultural programs. This bill would require that the funds paid to the Controller in connection with a Williamson Act contract cancellation that are not used to support the programs specified under existing law shall be deposited into the State's Agricultural Land Stewardship Program.

STATUS: In Senate Committee on Local Government

**AB 1229: Committee on Agriculture: AGRICULTURAL LAND CONSERVATION:
DISTRICTS**

This bill would authorize a district, including, but not limited to, an open space or other special district, to hold an agricultural conservation easement for the purpose of facilitating the implementation of the Agricultural Land Stewardship Program.

STATUS: In Senate Committee on Appropriations, with recommendation to Consent
Calendar

AB 1480: Committee on Agriculture: WILLIAMSON ACT: AGRICULTURAL CONSERVATION EASEMENT

Under the Williamson Act, a city or county may enter into an agreement with a landowner to rescind a Williamson Act contract in order to simultaneously place other land under an agricultural conservation easement if the legislative body of the city or county finds that the proposed easement is consistent with specified criteria. This bill would instead require the legislative body to make the finding that the easement is consistent with specified eligibility criteria and one or more selection criteria.

STATUS: To Senate Inactive File on motion of Senator Johnston

AB 1505: Ducheny: FARMWORKER HOUSING

This bill would authorize a landowner to set aside a portion, not exceeding five acres, of land under Williamson Act contract to be transferred to a nonprofit organization, municipal corporation, city and/or county, or the State, and used for agricultural laborer housing for at least 30 years. The landowner and organization would be exempt from payment of any deferred taxes and cancellation fees on that land.

STATUS: In Senate Committee on Local Government

SB 95: Chesbro: WILLIAMSON ACT: CANCELLATION FEES

This bill is the same as AB 47.

STATUS: In Assembly Committee on Natural Resources

SB 229: McPherson: INCOME AND BANK CORPORATION TAXES: IRRIGATION

This bill would provide a credit, between January 1, 1999 and January 1, 2004, in an amount equal to 15% of cost by the taxpayer, for the purchase and installation of qualified water application or distribution equipment that is used in a business for the production of farm income and is installed on agricultural land that is owned or leased by the taxpayer at the time of installation. Qualified water application or distribution equipment means equipment that provides conservation or savings of at least 10% in comparison to the water used on the land in the prior taxable year.

STATUS: Senate Committee on Revenue & Taxation, 4/7/99; held without recommendation

RECREATION

AB 18: Villaraigosa, Keeley: URBAN PARKS, CLEAN WATER, AND COASTAL PROTECTION ACT

This bill would enact the Villaraigosa-Keeley Urban Parks, Clean Water, and Coastal Protection Bond Act of 2000, which would authorize the issuance of bonds in the amount of \$1.538 billion for the purpose of financing a program for the acquisition and improvement of State and urban parks, for clean water protection, and for coastal beaches and scenic areas. *This is a two-year bill.*

STATUS: In Senate Committee on Water, Parks, & Wildlife

AB 1287: Davis: OPERATION OF VESSELS: BOATING SAFETY COURSES

Existing law prohibits a person from operating a motorboat, sailboat, or vessel which is less than 26 feet in length, unless every person age six or younger is wearing a Coast Guard-approved personal flotation device, is restrained, or is in an enclosed cabin. This bill would make these requirements applicable to every person age eleven or younger.

STATUS: In Senate Committee on Natural Resources & Wildlife

SB 2: Chesbro: PARKS AND RESOURCES IMPROVEMENT: BOND ACT

This bill would enact the Watershed, Wildlife, and Parks Improvement Bond Act of 2000, which would authorize the issuance of bonds in the amount of \$854.5 million to finance a program for the acquisition, development, improvement, rehabilitation, restoration, enhancement, and protection of park, recreational, cultural, historical, fish and wildlife, lake, riparian, reservoir, river, and coastal resources.

STATUS: In Senate Committee on Natural Resources & Wildlife

SB 57: Hayden: PARKS, NATURAL RESOURCES, AND CLEAN COASTAL WATERS: BOND ACT

This bill would enact the Parks, Natural Resources, and Clean Coastal Waters Bond Act of 2000, which would authorize the issuance of bonds in the amount of \$500 million to finance the program described under SB 2.

STATUS: Headed to Hearing on Senate Floor, 7/8/99

SB 74: Murray: URBAN PARKS, ENVIRONMENTAL CLEANUP, AND YOUTH SERVICE ACT

This bill would establish the Murray-Hayden Urban Parks, Environmental Cleanup, and Youth Service Act, which would provide funding for various projects and programs to develop parks, recreation, and youth service centers, and establish youth service projects. All State agencies would be required to provide advice and assistance to those departments responsible for implementing a program or project under the Act. *This is a two-year bill.*

STATUS: In Senate Committee on Appropriations

SB 387: Karnette: BOATING SAFETY AND EDUCATION

This bill would require the biennial report of the Department of Boating and Waterways to include the status of the Department's activities related to the enhancement and expansion of boating safety and education. The Department would also be required to provide in its biennial report a summary of boating safety activities undertaken by counties receiving financial aid from the Department.

STATUS: In Assembly Committee on Transportation

SB 841: Rainey: VESSELS: DISPOSAL OF PROPERTY

Existing law requires a public agency that removes or causes the removal of any wrecked property, abandoned property, or property removed from a navigable waterway, if it is unable to locate persons known to have an interest in the property, to publish the notice of removal for at

least two weeks in succession in one or more daily newspapers circulated in the county. This bill would change the notice period to once a week for two successive weeks. [This is the bill that the Delta Protection Commission agreed to sponsor, if needed, at the January 1999 meeting.]

STATUS: *This bill failed to pass Senate Committee on Judiciary; it is dead. It will not be included in future update memos.*

LAND USE

AB 838: Cardoza: LAND USE: GENERAL PLAN

This bill would require the land use element of a general plan to identify areas of prime agricultural land that are currently in use or have been in use during the previous five years.

Note: *The 5/6/99 amendment changes the intent of this bill; the bill is now being carried by Assemblymember Longville, and relates to local agency finance. It will not be included in future update memos.*

STATUS: In Senate Committee on Local Government

AB 950: Wiggins: LOCAL AGENCY FORMATION COMMISSIONS: AGRICULTURAL LAND

This bill would require a LAFCO to consider the policy that the development or use of land in open-space use for other than open-space uses is to be guided away from open-space lands of statewide significance and prime commercial rangeland.

STATUS: In Senate Committee on Local Government

SB 153: Haynes: PRIVATE PROPERTY RIGHTS: TAKING IMPACT ANALYSIS

This bill would enact the Property Owner Rights Act of 1999, which would require public agencies to minimize the number of agency actions that may significantly impair the use of private property. *This is a two-year bill.*

STATUS: In Senate Committee on Judiciary

SB 225: Rainey: GENERAL PLAN: CONSISTENCY

Existing laws require various governmental actions, programs, and projects to be consistent with the general plan of the city or county. This bill would provide that for purposes of the Planning and Zoning Law an action, program, or project is consistent with the General Plan if, when considered in its entirety, it will further the objectives and policies of the general plan.

STATUS: In Assembly Committee on Local Government

SB 649: Costa: OPEN-SPACE SUBVENTIONS

Existing law requires the Controller to pay subventions to local governments at specified rates per acre to replace property tax revenues lost through the reductions in assessments of property restricted to open-space use. This bill would include within those provisions certain land for

which a notice of nonrenewal of a use restriction has been served, if the land was previously assessed at a specified rate applicable to land subject to a farmland security zone contract.

STATUS: In Assembly Committee on Agriculture

SB 680: O'Connell: LAND AND WATER CONSERVATION

This bill would enact the California Land and Water Conservation Act of 1999. The Secretary of the Resources Agency would implement a program under which qualified property may be contributed to the state, any local government, or any nonprofit organization designated by a local government, in order to provide for the protection of wildlife habitat, open space, and agricultural lands. The donor would receive a tax credit for 55% of the fair market value of the property.

STATUS: In Assembly Committee on Revenue & Taxation

SB 1164: Mountjoy: PUBLIC LANDS PROTECTION ACT

This bill would enact the Public Lands Protection Act, which, until January 1, 2008, would prohibit undeveloped private property from being developed or used for any purpose other than agriculture, grazing, or low-density residential use, or from being rezoned to allow development at a higher level of residential density use, unless the proposed rezoning is summarized in a proposal that is submitted to the voters in a local ballot measure and approved by a majority of the voters. **Note:** *This bill applies only to counties with a population of more than 1 million; it does not apply to cities with a population of more than 70,000 nor to cities incorporated after 1915. The 5/10/99 amendment to this bill makes it applicable only to Los Angeles County. It will not be included in future memos.*

STATUS: In Senate Committee on Local Government

FLOOD/DISASTER RELIEF

AB 113: Florez: DISASTERS

This bill would enact the Agricultural Economic Disaster Act of 1999, providing the Governor with emergency powers to allocate funds to certain agriculture-related enterprises in connection with natural disasters or a state of emergency in affected areas. This bill would create the Agricultural Natural Disaster Assistance Fund as a special fund in the State Treasury and require the Controller to establish the Agricultural Emergency Action Account within the Fund, into which would be paid moneys appropriated annually by the Legislature for the assistance of private and public organizations that have incurred expenses in responding to a natural disaster or state of emergency affecting the agricultural industry. Finally, this bill would establish, until January 1, 2005, an Agricultural Disaster Emergency Response Operations Account within the Reserve for Economic Uncertainties, which would be continuously appropriated by the Director of Finance to state agencies for disaster response and operation costs incurred by state agencies as a result of an agriculture-related state of emergency proclamation of the Governor.

STATUS: To Assembly Committee on Consumer Protection, Government Efficiency, & Economic Development, 5/12/99; held without recommendation

AB 793: Maddox: FLOOD CONTROL

This bill would appropriate \$132 million from the General Fund to the Department of Water Resources for allocation to eligible local entities to pay for the State's share of flood control and flood prevention projects.

STATUS: This bill failed to pass the Assembly Committee on Appropriations, but the funding proposed in the legislation was included in the annual Budget Act passed in June.

AB 1122: Machado: LOCAL DISASTER PREPAREDNESS TRUST FUND

This bill would establish the Local Disaster Preparedness Trust Fund in the State Treasury. The Controller would allocate funds to eligible local agencies, for purposes relating to disaster preparedness and response, according to work plans meeting specified criteria. It is the intent of the Legislature that \$10 million be appropriated every year for five years for these purposes. *This is a two-year bill.*

STATUS: In Assembly Committee on Appropriations

AB 1521: Machado: DELTA FLOOD CONTROL, LEVEE MAINTENANCE, AND RECREATIONAL PROGRAMS

Existing law requires the Department of Water Resources (DWR) to implement a program for the maintenance and improvement of levees in the Delta which are not project facilities. This bill would appropriate \$50 million from the General Fund to DWR, of which \$25 million would be used for that program of flood control projects and \$25 million would be used for local assistance. The bill would also appropriate \$2 million to the Department of Parks and Recreation (DPR) for a Delta recreational program.

STATUS: This bill failed to pass the Assembly Committee on Water, Parks, and Wildlife, but funding for the program mentioned in the bill was included as part of the annual Budget Act passed in June.

STATE AGENCIES

AB 187: Hertzberg: GRANT INFORMATION ACT OF 1999

This bill would establish the Grant Information Act of 1999 to require state agencies to make available on their websites, on or before July 1, 2000, or within 6 months of the establishment of the website, a listing of all grants administered by that agency, as well as instructions on filing grant applications electronically and/or by mail.

STATUS: In Senate Committee on Appropriations, with recommendation to Consent Calendar

AB 534: Machado: CALFED BAY-DELTA PROGRAM

This bill would prohibit a state or local public agency from expending any funds for the development of an isolated conveyance facility that is recommended by the CALFED Bay Delta Program until the Legislature, by statute, specifically approves that option.

STATUS: *This bill failed to pass the Assembly Committee on Water, Parks, and Wildlife; it is dead. It will not be included in future update memos.*

AB 909: Machado: CALIFORNIA BAY-DELTA COMMISSION

This bill would create the California Bay-Delta Commission for the purpose of carrying out the proposed CALFED environmental restoration of the San Francisco Bay and Delta. *This is a two-year bill.*

STATUS: In Assembly Committee on Water, Parks, & Wildlife

SB 750: Johnston: DELTA PROTECTION ACT

Under the Delta Protection Act, "local government" is defined as the Counties of Contra Costa, Sacramento, San Joaquin, Solano, and Yolo, and the Cities of Sacramento, Stockton, Pittsburg, Isleton, Lathrop, Brentwood, Rio Vista, and West Sacramento. This bill would revise the definition to also include the City of Oakley and any other cities that may be incorporated in the primary zone in the future.

STATUS: In Assembly Committee on Natural Resources

SB 1114: Hayden: FISH AND WILDLIFE

This bill would change the name of the Department of Fish and Game and the Fish and Game Commission to the Department of Fish and Wildlife and the Fish and Wildlife Commission, respectively. The mission of the Commission and the Department would be to conserve, protect, enhance, and maintain healthy, sustainable, and viable wildlife resources for varying purposes. This bill would require the Department to divide the State into 11 bioregions and to submit an report to the Commission and the Legislature that describes the resources being managed in each bioregion. The Governor would be required to appoint members who represent specified interests on the Fish and Wildlife Commission.

STATUS: In Assembly Committee on Water, Parks, and Wildlife